

**DRINKER BIDDLE & REATH LLP**

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*Counsel to Janice Grubin, Chapter 11 Trustee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

FOOD MANAGEMENT GROUP, LLC,  
KMA I, Inc.,  
KMA II, Inc.,  
KMA III, Inc., and  
BRONX DONUT BAKERY, INC.,

Debtors.

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JANICE B. GRUBIN, in her capacity  
as Chapter 11 Trustee for Debtors  
FOOD MANAGEMENT GROUP, LLC,  
KMA I, Inc., KMA II, Inc., KMA III, Inc.,  
and BRONX DONUT BAKERY, INC.,

Plaintiff,

v.

ROBERT L. RATTET; JONATHAN S.  
PASTERNAK; RATTET, PASTERNAK  
& GORDON OLIVER, LLP, *et al.*

Defendants.

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Chapter 11

Case No. 04-22880 (ASH)  
Case No. 04-22890 (ASH)  
Case No. 04-22891 (ASH)  
Case No. 04-22892 (ASH)  
Case No. 04-20312 (ASH)

(Jointly Administered)

Adversary No. 07-A-08221 (MG)

**APPELLEE CHAPTER 11 TRUSTEE'S DESIGNATION OF ADDITIONAL ITEM TO  
BE INCLUDED IN THE RECORD ON APPEAL**

Appellee Janice B. Grubin, the duly appointed and acting Chapter 11 Trustee (the "Trustee") of Food Management Group, LLC, KMA I, Inc., KMA II, Inc., KMA III, Inc., and Bronx Donut Bakery, Inc. (collectively, the "Debtors"), by and through her attorneys and

pursuant to Federal Rule of Bankruptcy Procedure 8006, respectfully submits the following Designation of Additional Item to be included in the Record on Appeal:

1. On April 25, 2008, Matrix Realty Group, Inc.'s ("Matrix") filed its Notice of Designation of Issues and Record on Appeal with respect to its appeal of the Bankruptcy Court's April 7, 2008 Order (D.I. #91) denying Matrix's Motion to Intervene Pursuant to Federal Rule of Civil Procedure 24 and Federal Rule of Bankruptcy Procedure 7024. (D.I. #79.)

2. The Trustee designates the following pleading to be included as part of the record on appeal:

Reply Memorandum of Law (I) in Further Support of the Chapter 11 Trustee's Position That This Adversary Proceeding Is a "Core" Proceeding Pursuant to 28 U.S.C. § 157(b)(2)(A), and (II) Further Explaining Why the Rattet Defendants Are Not Entitled to a Jury Trial. (D.I. #85).

Dated: Chicago, Illinois  
May 8, 2008

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

/s/ Warren von Credo Baker

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*Counsel for Appellee Janice B. Grubin, Chapter 11 Trustee for Food Management Group, LLC, KMA I, Inc., KMA II, Inc., KMA III, Inc., and Bronx Donut Bakery, Inc.*

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